

Specialty Construction Inc.

December 23, 2011

Via Email & Hand Delivery

County of San Luis Obispo
Mr. Jeff Werst, P.E.
Design Division Manager
Department of Public Works
jwerst@co.slo.ca.us

Re: Bridge Widening on Price Canyon near Edna, CA - HP21L-5949(126),
BHL5949(062), BHL5949(063)

Subject: UDBE Commitment /Good Faith Efforts

Dear Mr. Werst,

This is in response to your email inquiry this morning regarding our bid for the Bridge Widening on Price Canyon Road.

You ask, "Please clarify the bid items that your subcontractor "West Coast/Tipco Pile Driving" will be performing for the contract. According to the "Designation of Subcontractors" form and "UDBE Commitment" form submitted with your bid, the subcontractor would be performing Items 63, 144 and 145 from the Bid Schedule. According to the revised "UDBE Commitment" form you submitted with your Good Faith Effort documentation, the subcontractor will be performing Items 63, 64 and 145 from the Bid Schedule."

Please find attached the revised UDBE Commitment form identifying specific items to be accomplished by Tipco Engineering, Inc. (Item #64, #65, #144, & #145).

You ask "You indicated that "West Coast/Tipco Pile Driving" was a joint-venture, with one of the joint-venture firms (Tipco?) being UDBE. We need clarification from you as to which bid items the UDBE firm will actually be doing, as the "UDBE Commitment" form lists the joint-venture. The "UDBE Commitment" form should be corrected to list Tipco Engineering, Inc. (the certified UDBE) rather than West Coast/Tipco Pile Driving, JV."

The UDBE Commitment form has been corrected and attached herewith listing Tipco Engineering, Inc., and the specific items they will perform (#64, #65, #144, & #145).

You ask "The quote from West Coast/Tipco Pile Driving, JV included in your Good Faith Effort submittal indicates that their proposal "includes a minimum \$80,000.00 of UDBE Participation with our Joint Venture Partner Tipco Engineering, Inc. in Bellflower, CA."

License A, B619361

645 Clarion Court ♦ San Luis Obispo, California 93401

Telephone: 805/543-1706 ♦ Administrative Fax: 805/543-1712 ♦ Estimating Fax: 805/543-1722

As I mentioned on the phone, we would like clarification on how this estimate was arrived at and/or what it includes. (ex is Tipco a broker providing materials? Are they providing drivers? Are they performing work?)”

Please find attached a cost breakdown from Tipco Engineering, Inc. identifying the specific items bid, including breakdown of labor, materials & equipment in the performance of their work. Please note that after post-bid analysis, Tipco Engineering, Inc. identifies that their performance value has increased from their pre-bid estimate of \$80,000, to an actual amount of \$98,638.02.

The specifications and bid instructions provide a goal of 3% for UDBE. This is a goal for the performance of the work (which Specialty still intends to meet), and is not a requirement to be awarded a contract. See 49 CFR 26.55 The same specifications and bid instructions provide specific procedures to follow to show the bidder's Good Faith Efforts to meet the goal. As part of our bid, we provided comprehensive documentation evidencing our Good Faith Efforts satisfied the bid requirements and the San Luis Obispo County UDBE program. This documentation is attached with this email and was delivered to the County Clerk on December 19, 2011 consisting of approximately 106 documents. Specialty's Good Faith Efforts, as evidenced by our bid submission, shows that Specialty is the lowest responsive and responsible bidder, even though Specialty did not meet the initial UDBE goal in its bid.

Furthering the point made above, that the 3% UDBE goal is a performance goal (not a bid goal), we wish to point out that the documentation available to us at the time of bid indicated that West Coast/Tipco Pile Driving would provide an \$80,000 UDBE utilization amount at a minimum. That is the information we relied on which resulted in our Good Faith statement of approximately 2.32%. During recent conversations with the listed subcontractor, they have indicated that the \$80,000 was a conservative estimate, and they actually plan to perform about \$98,638.02 of work, which would result in reaching UDBE utilization of approximately 2.86%. In addition, we are using KRC Safety Company, Inc. (a UDBE) for supplying and installing construction area signs, which provides no less than an addition \$6,600 of UDBE utilization which provides a total utilization for the performance of our work exceeding 3.0%.

Specialty satisfied the bid's Good Faith Efforts requirements and so is the lowest responsive and responsible bidder. As such, we believe that the contract must be awarded to Specialty. The fact that other bidders' bids indicate that they met the 3% goal and Specialty did not may not be considered (49 C.F.R. § 26.53(a)(2)) because this is not a factor set forth in the bid documents or the San Luis Obispo UDBE program (*Monterey Mech. Co. v. Sacramento Reg'l County Sanitation Dist.*, (1996) 44 Cal. App. 4th 1391). Considering such a factor would be illegal under California law. Compare California Constitution, Art. 1, § 31 with 49 CFR § 26.47 (funding will not be lost if goal is not met).

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Specialty's home office is in San Luis Obispo County, and its employees are part San Luis Obispo County community. We understand the importance of federal funding to our community and we will do all we can to assist the County's ability to obtain much needed federal funding now and in the future.

Specialty demonstrated in its documentation our good faith, which is the requirement of the bid and the SLO UDBE program, and we will continue to demonstrate that good faith by continuing our attempts to meet or exceed the contract's 3% performance goal, which we believe we will achieve.

Should you have any additional inquiries, please do not hesitate to contact the undersigned.

Sincerely,

SPECIALTY CONSTRUCTION, INC.

A handwritten signature in black ink, appearing to read 'R. Bachmann', with a long horizontal flourish extending to the right.

Rudy Bachmann
President

C: DC, JM

Enclosure

REVISED 12/23/11

UDBE COMMITMENT

AGENCY: <u>SAN LUIS OBISPO COUNTY - DEPT. OF PUBLIC WORKS</u> LOCATION: <u>San Luis Obispo County, CA</u>				
PROJECT DESCRIPTION: <u>Bridge Widening on Price Canyon Road</u>				
TOTAL CONTRACT AMOUNT: <u>\$3,447,094.55</u>				
BID DATE: <u>12/15/11</u>				
BIDDER'S NAME: <u>Specialty Construction, Inc.</u>				
CONTRACT UDBE GOAL: <u>3%</u>				
BID ITEM NUMBER	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	CERT. NO. OF UDBE AND EXPIRATION DATE	NAME OF UDBEs (Must be certified on the date bids are opened - include UDBE address and phone number)	DOLLAR AMOUNT UDBE
63, 64, 144, 145	Furnish, deliver, off-load & store pile piles. Provide Operating Engineers for pile driving.	37925 - 2/2014	Tipco Pile Driving 425 E Redondo Beach Blvd. Gardena, CA 90248 (310) 993-7005	\$98,638.02
For Local Agency to Complete:			Total Claimed Participation	\$98,638.02 2.86%
Local Agency Contract Number: <u>300136, 300360 & 300361</u>				
Federal Aid Project Number: <u>HP21L-5949(126), BHL-5949(062) & BHL-5949(063)</u>				
Federal Share: _____				
Contract Award Date: _____				
Local Agency certifies that all information is complete and accurate.				
Print Name	Signature	Date	Signature of Bidder <u>Rudolph C. Bachmann, President</u>	
Local Agency Representative			Date <u>12/23/11</u> (805) 543-1706	
(Area Code) Telephone Number: _____			(Area Code) Tel. No. _____	
For Caltrans Review:			Doug Clay Person to Contact (Please Type or Print)	
Print Name	Signature	Date	UDBE Commitment (Rev 8/09)	
Caltrans District Local Assistance Engineer				

Distribution: (1) Copy - Fax or scan a copy immediately to the Caltrans District Local Assistance Engineer (DLAE) upon award
(2) Copy - Include in award package to Caltrans District Local Assistance
(3) Original - Local agency files

RETURN THIS FORM WITH YOUR BID PROPOSAL

West Coast/Tipco Pile Driving Joint Venture -
 San Luis Obispo County-Department of Public Works Bid Date 12/15/2011
 Bridge Widening on Price Canyon Road near Edna, CA

Tipco Engineering Joint Venture Participation

LABOR					
	Days	Oper	Oilers (2)		Labor Cost
MOBILIZATION	1	\$ 648.00	\$ 1,120.00	\$	1,768.00
Added RIG UP/DOWN	2	\$ 648.00	\$ 1,120.00	\$	3,536.00
Drive Production Piles	4	\$ 648.00	\$ 1,120.00	\$	7,072.00
Moves/Unload/Restrike	3	\$ 648.00	\$ 1,120.00	\$	5,304.00
Total Labor Cost =					\$ 17,680.00

Equipment					
	Days	Crane	Pile Ham	Forklift	Labor Cost
MOBILIZATION	1	\$ 500.00	\$ 500.00	\$ 300.00	\$ 1,300.00
Added RIG UP/DOWN	2	\$ 500.00	\$ 500.00	\$ 300.00	\$ 1,600.00
Drive Production Piles	4	\$ 500.00	\$ 500.00	\$ 300.00	\$ 3,200.00
Moves/Unload/Restrike	3	\$ 500.00	\$ 500.00	\$ 300.00	\$ 2,400.00
Total Labor Cost =					\$ 8,500.00

DESCRIPTION (NON TAX)	QUANTITY	UNIT	PRICE	TOTAL
Deliver Pipe 14" Class 140	1,120	LF	\$11.3500	\$12,712
				\$0
				\$0
TOTAL NON TAX (A)				\$12,712
DESCRIPTION (TAX)	QUANTITY	UNIT	PRICE	TOTAL
Furnish Pipe Pile	1,120	LF	\$40.4500	\$45,304
Dowels (64lbs/pile)	1152	LBS	0.75	\$864
TAX (7.75%)				\$3,578
TOTAL TAXABLE(B)				\$49,746
TOTAL (A)+(B)				\$62,458

Total Labor, Equip. and Materials = \$ 88,638.02
 1/2 Estimated Overhead & Profit = \$ 10,000.00
 Total Estimated Tipco Eng. Participation = \$ 98,638.02

West Coast/Tipco Pile Driving Joint Venture (As Bid)

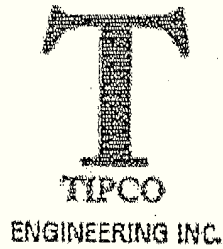
Item	Description	Unit	Quantity	Unit Price	Price
63	Furnish Piling (Class 140)	LF	854	\$ 75.00	\$ 64,050.00
64	Drive Pile (Class 140)	EA	12	\$ 3,200.00	\$ 38,400.00
144	Furnish Piling (Class 140)	LF	208	\$ 75.00	\$ 15,600.00
145	Drive Pile (Class 140)	EA	6	\$ 3,300.00	\$ 19,800.00
Base Price					\$ 137,850.00

Tipco Engineering Item Breakdown

Item	Description	Unit	Quantity	Unit Price	Price
63	Furnish Piling (Class 140)	LF	854	\$ 69.00	\$ 58,926.00
64	Drive Pile (Class 140)	EA	12	\$ 1,400.00	\$ 16,800.00
144	Furnish Piling (Class 140)	LF	208	\$ 69.00	\$ 14,352.00
145	Drive Pile (Class 140)	EA	6	\$ 1,500.00	\$ 9,000.00
Base Price					\$ 99,078.00

West Coast Welding Item Breakdown

Item	Description	Unit	Quantity	Unit Price	Price
63	Furnish Piling (Class 140)	LF	854	\$ 6.00	\$ 5,124.00
64	Drive Pile (Class 140)	EA	12	\$ 1,800.00	\$ 21,600.00
144	Furnish Piling (Class 140)	LF	208	\$ 6.00	\$ 1,248.00
145	Drive Pile (Class 140)	EA	6	\$ 1,800.00	\$ 10,800.00
Base Price					\$ 38,772.00



425 E Redondo Beach Blvd. • Gardena, CA 90248
Phone: 310-993-7005 • Fax: 866-623-8349

FACSIMILE TRANSMITTAL SHEET

To:	From:
Estimator	Kevin Tipton
Company:	Date:
Specialty Construction	December 14, 2011
Fax Number:	Total No. of Pages Including Cover:
1-805-543-1722	3
Subject:	

URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please call if you have any questions.

Thank you,
Kevin Tipton
E-mail: Tipcoinc@aol.com

West Coast/Tipco Pile Driving, JV
818 Grayson Rd.
Pleasant Hill, CA 94523
Lic# 940884

NC Office (925) 934-5728
 FAX (866) 243-2154

SC Office (323) 833-6981
 FAX (866) 623-8349

PROPOSAL AND SCOPE OF WORK

Date: December 15, 2011
 To: Estimator

Bridge Widening on Price Canyon Road near Edna, CA
 San Luis Obispo County-Department of Public Works

West Coast/Tipco Pile Driving JV will furnish all labor, materials, and equipment to complete the following work on the above-mentioned project.

Item	Description	Unit	Quantity	Unit Price	Price
63	Furnish Piling (Class 140)	LF	854	\$ 75.00	\$ 64,050.00
64 63	Drive Pile (Class 140)	EA	12	\$ 3,200.00	\$ 38,400.00
144	Furnish Piling (Class 140)	LF	208	\$ 75.00	\$ 15,600.00
145	Drive Pile (Class 140)	EA	6	\$ 3,300.00	\$ 19,800.00
Base Price					\$ 137,850.00

Our price is based on the following conditions and our general conditions, which are attached. Included in our proposal are:

1. WC/Tipco is a bondable (1.5%) union contractor signatory to the operators, pile drivers, labors, & ironworkers. This proposal includes a minimum \$80,000.00 of UDBE Participation with our Joint Venture Partner Tipco Engineering, Inc. in Bellflower, CA. (License No. 928364-DBE Firm ID 37925). Tipco Engineering will be furnishing, delivering, unloading, and storing all piles as required. They employ fully qualified operating engineers to run all equipment involved to support the pile driving operation.
2. Proposal includes One (1) crane mobilization to complete all piling work identified.
3. Furnish and installation of piles and standard U rebar dowels as required
4. All piles cut off to grade with debris disposal included.

Specifically excluded from our proposal

5. We do not include the drill out, furnish/placement of the rebar cage or concrete shown Section D-D (page 33-79).
6. All engineering, excavation, shoring unless otherwise noted, spoil removal, backfill, QCP/Third Party Inspection, drawings, or pile driving records. Truck crane and pile handling equipment access to each location. WQCP, Welding Inspection, Traffic Control, Lighting, K-rail Removal, Noise Control, Etc. Vibration or movement monitoring of adjacent structures.
7. Any hazardous waste management, disposal, or liability.

Unless otherwise noted, all terms and conditions in this proposal shall become an attachment (Exhibit "A") to any contract, which references the work in this proposal. In the event of any conflict between any one or more of the provisions in this proposal and the provisions of the Contract, the provisions of this proposal shall supersede and prevail.

1. Prime Contractor/Owner shall provide at NO cost to West Coast/Tipco Pile Driving JV (WC/T):
 - a) Locating and removing belowground obstructions that interfere with pile installation and de-energize electric lines to conform to all safety regulations.
 - b) Excavation dewatering.
 - c) Public safety measures including but not limited to traffic control, delineation and barricading of the job site, barricading and/or fencing for excavations.
 - d) Excavation at pile location required in plans and specifications completed before pile driving.
 - e) Establishing and maintaining surveying for pile layout and pile cut-off elevations.
 - f) Shoring and sloping for excavations in accordance with OSHA and approved by WC/T.
 - g) Protection of property from diesel hammer spray and exhaust.
 - h) Minimum distance of 36 inches from pile center to shoring or other obstructions.
 - i) Protection of utilities, structures, improvements, and property from damages due to ground heave, soil movements, or vibrations generated by pile installation.
 - j) Removal and disposal of pre-drill spoils and pile cutoffs unless noted otherwise.
 - k) Provide on-site storage area for the project materials.
 - l) Provide all weather level access, minimum 25 feet wide that allows pile driving and pile moving equipment within 35 feet of all piles.
2. Prices are based on the following:
 - a) Pile driving performed during eight hour, daytime shifts, Monday through Friday.
 - b) Reimbursement to WC/T for all costs associated with delays, out-of sequence moves, and extra work caused by obstructions.
 - c) One mobilization and demobilization for one pile driving set up. Each additional mobilization/demobilization charged at \$25,000.00
 - d) Pile driving in one continuous operation with sequence mutually agreed upon for each mobilization.
 - e) Standby for crew and equipment charged at \$875 per hour.
 - f) Standby for equipment at site with no crew present charged at \$1250 per day.
 - g) WC/T General Liability insurance coverage of \$1,000,000 each occurrence and \$2,000,000 aggregate. Special agreements, waivers, or additional coverage's will be an additional cost.
 - h) Pile driving schedule shall be mutually agreed upon before mobilization.
 - i) If noise reduction requires equipment modifications, delays, or any changes in our pile driving operation, WC/T shall be reimbursed for costs incurred.
3. Prices do **NOT** include the following:
 - a) Payment or Performance bonds.
 - b) Any inspection associated with piles.
 - c) Reports, as-built drawings, pile driving records, engineering or design.
 - d) Furnishing/installing rebar dowels or pile anchors, bending of extended rebar unless noted otherwise.
 - e) Hold-harmless agreements.
 - f) Working on mats.
 - g) Permits of any kind except hauling.
 - h) Railroad insurance.
 - i) Using a follower to drive pile top below surface.
 - j) Sound, vibration or ground movement measurement.
4. Payment:
 - a) Payment of 90% of work completed the preceding month shall be received by the 15th of the following month, and full payment (including retention) to be received within 60 days after substantial completion of work performed by WC/T.
 - b) Late payments are subject to a 2% per month charge.

West Coast/Tipco Pile Driving J.V. is not responsible for any damages, costs incurred, inconveniences or delays caused by ground heave, ground movements, or vibrations generated by pile installation.

This quote is firm for 30 days.

Respectfully submitted,

Accepted by,

Kevin Tipton
Estimator (323-833-6981)

[Back To Query Form](#)**Search Returned 1 Records**

Fri Dec 16 14:39:03 PST 2011

Query Criteria

Firm ID: 37925

Firm Type: DBE

Firm ID	37925
Firm/DBA Name	TIPCO ENGINEERING, INC
Address Line1	425 E REDONDO BEACH BLVD
Address Line2	
City	GARDENA
State	CA
Zip Code1	90248
Zip Code2	
Mailing Address Line1	
Mailing Address Line2	
Mailing City	
Mailing State	
Mailing Zip Code1	
Mailing Zip Code2	
Certification Type	DBE
EMail	tipcoinc@aol.com
Contact Name	KEVIN TIPTON
Area Code	(323)
Phone Number	833-6981
Fax Area Code	(866)
Fax Phone Number	623-8349
Agency Name	DEPARTMENT OF TRANSPORTATION
Counties	13; 19; 30; 33; 36; 37; 42; 56;
Districts	05; 07; 08; 11; 12;
DBE NAICS	237310;

ACDBE NAICS

Work Codes	C1920 STRUCTURE EXCAVATION; C2201 FINISHING ROADWAY; C4901 FURNISH & DRIVE PILING; C7035 WELDED STEEL PIPE;
Licenses	A General Engineering Contractor;
Trucks	
Gender	M
Ethnicity	BLACK
Firm Type	DBE

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